

Application No. 10/068,479
Amendment dated March 29, 2005
Reply to Office Action of December 1, 2004

Docket No. 425 -4005

REMARKS

Applicant respectfully requests reconsideration of this application in view of the foregoing amendment and following remarks.

Status of the Claims

Claims 1-12 are pending in this application. Claims 1, 5 and 9 are independent. All of the pending claims stand rejected. By this amendment, claims 2, 6 and 10 are cancelled without prejudice or disclaimer. Independent claims 1, 5 and 9 are amended. No new matter has been added by this amendment.

Rejection under 35 U.S.C. §112

Claims 2, 6 and 10 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

The Examiner indicates that “[i]t is unclear what is meant by ‘service option 4 or 10 or 0x8003.’”

The phrase “service option 4 or 10” in claims 2 and 6 means a service option field and its value of an origination message included in signals that transmitting or receiving mobile phone transmits in an IS-95A/B or IS-95C network through a IWF service. The phrase “service option 0x8003” in claim 10 means a service option field and its value of an origination message included in signals that transmitting or receiving mobile phone transmits in an IS-95A/B or IS-95C network through a PIWF service.

As indicated above, claims 2, 6 and 10 have been cancelled, and these elements are incorporated into claims 1, 5 and 9, respectively. The relevant portions of claims 1 and 5 recite “a service option field’s value is 4 or 12.” The relevant portion of claim 10 recites “a service

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option field's value is 0x8003."

Applicant respectfully requests that these objections be withdrawn.

Rejection under 35 U.S.C. §102

Claims 1-12 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0037712 to Shin ("Shin").

As indicated above, claims 1, 5 and 9 have been amended by incorporating the elements of claims 2, 6 and 10, respectively, to emphasize that the present invention conforms to the CDMA standards, IS-95A/B or IS-95C.

First of all, the present invention follows the CDMA standards, IS-95A/B or IS-95C using IWF or PIWF. A transmitting mobile phone initiates a data call and transmits signals to the receiving mobile phone. In this time, the transmitting mobile phone specifies some value on a SO field (Service Option field) of "origination message" included in said signals. In IS-95 A/B or IS-95 C network using IWF, the value of the SO field is 4 or 12, and the value is 0x8003 in the same network using PIWF. The meaning of each of the SO values are defined in IS-95 standard (e.g., SO 4 means "Circuit Asynchronous data service").

In contrast, Shin defines a new SO for a real time video data by modifying a SO related to an existing speech call and data call. To implement this art, the new SO must be defined or compromised between the two side mobile phones before setting up a call. As a result, the compatibility of Shin is very restrictive.

Secondly, In IS-95 A/B network using IWF, the receiving mobile phone must enter data reception mode in advance because even though a call is transmitted through the service option 4 or 12 the call is received through a voice call option, that is, a service option 1.

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This step is derived from the reason that the present invention follows the CDMA standards, IS-95.

In contrast, Shin does not have any step or process as in the present invention because Shin defines a new service option.

Finally, referring to claims 1, 5, 9, the examiner indicates that Shin "disclosed a method of exchanging data between mobile phones through an IWF, including a receiving mobile phone that enters data reception mode as a receiving user selects data call receiving mode."

However, as Applicant understand it, there is nothing in Shin that teaches the "entering data reception mode" or "selecting data call receiving mode" as specifically recited in the pending claims.

Accordingly, each of independent claims 1, 5 and 9 as amended is neither anticipated by nor rendered obvious in view of Shin for at least the reasons discussed above.

Reconsideration and withdrawal of the rejections of claims 1, 5 and 9 under 35 U.S.C. §102(e) is respectfully requested.

Applicant has not individually addressed the rejections of the dependent claims because Applicant submits that the independent claims from which they respectively depend are in condition for allowance as set forth above. Applicant however reserves the right to address such rejections of the dependent claims should such be necessary.

Applicant believes that the application is in condition for allowance and such action is respectfully requested.

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Docket No. 4251-4005

AUTHORIZATION

A petition for a one-month extension of time along with the associated fee is enclosed, extending the date for responding until April 1, 2005. Should an additional extension of time be required to render this paper timely filed, such extension is hereby petitioned and the Commissioner is authorized to charge any other fees necessitated by this Amendment, or credit any overpayment to our Deposit Account No. 13-4500 (Order No. 4251-4005). A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,
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Dated: March 29, 2005

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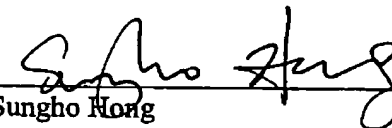
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